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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/974,759 | 10/09/2001 | Stephen D. Rank | IMM142 | 7035 |

7590 07/15/2003
James R. Riegel
801 Fox Lane
San Jose, CA 95131

EXAMINER

BELL, PAUL A

| ART UNIT | PAPER NUMBER |
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2675

DATE MAILED: 07/15/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/974,759

Applicant(s)

RANK, STEPHEN D.

Examiner

PAUL A BELL

Art Unit

2675



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,10,11,19-21,27 and 28 is/are rejected.
- 7) ☒ Claim(s) 2-9,12-18 and 22-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2675

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 10, 11, 19, 20, 21, 27 and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Chang et al. (6,285,351).

With regard to claim 1 Chang et al. teaches a method (figure 1, items 12, 14, 24 and 25), comprising: storing a portion of sound data in a memory buffer of a computer (it is inherent that a computer system item 12 has memory); analyzing the portion of sound data using heuristics to identify at least one sound feature from the portion of sound data; and executing at least one haptic effect based on said at least one sound feature (figure 8, item 512), the haptic effect being associated with the portion of sound data (column 2, lines 29-67, column 3, lines 1-40, and column 15, lines 1-39)

With regard to claim 10 Chang et al. teaches a method of claim 1 wherein said at least one haptic effect was previously mapped to said at least one sound feature (col 15, lines 32-38).

With regard to claim 11 Chang et al. teaches a method (figure 1, items 12, 14, 24 and 25), comprising; storing a portion of sound data in a memory buffer of a computer (it is inherent that a computer system item 12 has memory); analyzing said portion of sound data using heuristics to identify at least one high-level sound feature from said portion of sound data, the at

Art Unit: 2675

least one high-level sound feature being associated with at least one high-level haptic effect; and executing the at least one haptic high-level effect approximately associated high-level sound feature (figure 8, item 512 column 2, lines 29-67, column 3, lines 1-40, and col 15, lines 1-39).

With regard to claim 19 Chang et al. teaches a method of claim 11 wherein the at least one high-level haptic effect is executed as a haptic sensation by a haptic feedback device (column 15, lines 32-38).

With regard to claim 20 Chang et al. teaches a method as recited in claim 11 the at least one high-level haptic effect is stored in memory of the computer as a created haptic effect (figure 8, items 510 and 511).

With regard to claim 21 Chang et al. teaches a computer readable medium (figure 1, items 12, 14, 24 and 25), having code stored thereon, the code comprising: code to store a portion of sound data in a memory buffer of a computer (it is inherent that a computer system item 12 has memory); code to analyze the portion of sound data using heuristics to identify at least one sound feature from the portion of sound data; and code to execute at least one haptic effect based on the at least one sound feature, the at least one haptic effect is being associated with the portion sound data (figure 8, item 512 column 2, lines 29-67, col 3, lines 1-40, and col 15, lines 1-39).

With regard to claim 27 Chang et al. teaches a computer readable medium of claim 21 wherein the at least one haptic effect was previously mapped to the at least one sound feature (column 15, lines 32-38).

Art Unit: 2675

With regard to claim 28 Chang et al. teaches an apparatus (figure 1, items 12, 14, 24 and 25), comprising: means for storing a portion of sound data in a memory buffer of a computer (it is inherent that a computer system item 12 has memory); means for analyzing the portion of sound data using heuristics to identify at least one sound feature from the portion of sound data; and means for executing at least one haptic effect based on the at least one sound feature, the haptic effect being associated with the portion of sound data (figure 8, item 512 column 2, lines 29-67, column 3, lines 1-40, and column 15, lines 1-39).

Allowable Subject Matter

3. Claims 2-9, 12-18 and 22-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed 4/21/2003 have been fully considered but they are not persuasive.

The applicant's representative argues on pages 6 and 7; "In contrast, Chang does not analyzing a portion of sound data using heuristics. In fact, Chang is entirely silent regarding heuristics." Also applicant's representative also noted the claim term "heuristics" is absent from Chang.

The examiner disagrees because "heuristics" is a broad term for example Carey et al. Pub No US2002/0112035 A1 defines in column 5 section [0063] heuristics (i.e., rules, variables, and/or selection algorithms or other rankings or weightings). Therefore it is inherent that there are "RULES" for which sounds go with each tactile output of Chang or it would not function properly.

Art Unit: 2675

It is noted that applicant's representative does not state what Chang does do only that it does not directly use the word "heuristic". It may be helpful if applicant's representative would talk more about Chang, what it does do and does not do so the differences can be made clear in the claim.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras, can be reached at (703) 305-9720.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to: (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Paul Bell

Paul Bell

Art unit 2675

13 July 2003

Chanh Nguyen
CHANH NGUYEN
PRIMARY EXAMINER